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CLERK OF STATE COURT
GWINNETT COUNTY, GEORGIA
20-C-09181-S5
12/22/2020 2:37 PM

Robert J. Almon Jr.
CLERK OF STATE COURT

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

BRANDON R. BLACK,)
Plaintiff,) CIVIL ACTION
vs.) FILE NO.: 20-C-09181-S5
PENSKE LOGISTICS LLC (DE), and)
JOHN DOE,)
Defendants.)

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Brandon R. Black (hereinafter "Black") and makes and files this Complaint against Defendants Penske Logistics LLC (DE) and John Doe and shows this Honorable Court the following:

PARTIES, JURISDICTION AND VENUE

1.

Defendant Penske Logistics LLC (DE) is a foreign limited liability company doing business in the state of Georgia and is subject to the jurisdiction of this Honorable Court, and may be served with process by serving its registered agent, Corporation Service Company, 40 Technology Parkway South, Suite 300, Norcross, Gwinnett County, Georgia 30092.

2.

Defendant John Doe is the driver of the tractor trailer truck who is believed to have been an agent or employee of Penske Logistics LLC (DE) whose name and

location or whereabouts is known to Penske Logistics LLC (DE), but unknown to the Plaintiff.

3.

Venue is proper in this Court and this Court has subject matter jurisdiction over the claims asserted herein and personal jurisdiction over the Defendants.

FACTS

4.

On or about December 28, 2018, Defendant Penske Logistics LLC (DE), acting by and through its agent or employee (whose identity is unknown to the Plaintiff) negligently operated a tractor trailer truck on a loading dock by backing the truck causing it to strike Plaintiff's head. The tractor trailer truck had a red light at the dock and the Plaintiff had a green light.

5.

Said incident caused a severe concussion to Plaintiff.

6.

The aforementioned incident occurred at Cardinal Health Clinic, 1761 Satellite Boulevard, N.E., Buford, Gwinnett County Georgia 30518.

7.

The Defendant was negligent in failing to maintain a proper lookout, failing to maintain control over his vehicle, and improper backing in violation of O.C.G.A. §40-6-240.

8.

As a direct and proximate result of the negligence of the Defendants, Plaintiff was caused to suffer bodily injuries, specifically a severe concussion, injury to his neck, mid back and low back, and neurological injury involving post concussive syndrome.

9.

For treatment of his injuries, Plaintiff was required to and underwent medical care from the following medical care providers in the amounts indicated through the time of filing this Complaint:

- Caduceus Occupational Medicine, \$3,128.17;
- Reagan Medical Center, \$2,805.00;
- Northside Hospital, \$9,012.00;
- Northside Radiology Associates, \$674.00;
- Neurology South, P.C., \$600.00;
- Elite Sport & Personal Injury Centers, \$14,700.00;
- Ortho Atlanta, \$1,070.00; and
- Benchmark Physical Therapy, \$3,570.00.

Total medical special damages available through the time of filing this Complaint \$35,559.17.

10.

Due to his injuries, Plaintiff was unable to engage in his usual occupation as a warehouse dock worker at Cardinal Health working 62 total hours per week, earning \$15.00 an hour 40 hours a week and \$22.50 an hour 22 hours a week.

11.

Plaintiff brings this action to recover general damages for his pain and suffering, and special damages for his medical expenses and lost wages.

WHEREFORE, Plaintiff respectfully prays that Summons issue, that Defendants be served with process as required by law, that Plaintiff have a trial before the Court sitting without a jury, that Plaintiff have and recover verdict and judgment against the Defendants in an amount to be shown at the time of trial and for such other and further relief as this Court deems necessary and proper.

Respectfully submitted,

/s/Douglas R. Powell
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